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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DETWILER, BRIAN J	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/577,257	CHANEY, JEREMY	
	Examiner	Art Unit	
	Brian J. Detwiler	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6,8-11,13-17,21-32,35-42 and 45-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,8-11,13-17,21-32,35-42 and 45-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 17, 21-32, 35-38, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,971 (Katz et al) and U.S. Patent No. 6,148,346 (Hanson).

Referring to claims 1, 6, 11, 35, 46, and 49, Katz discloses in column 6: lines 1-4 and Figures 4A-4D a music player that displays a graphical interface comprising information about music items. In column 3: lines 9-14, Katz discloses that the music player comprises device driver interfaces for "changers" or "jukeboxes", i.e. music renderers. Katz's graphical user interface [220] comprises numerous control objects for managing music items (see Figures 4A-4D) and an application programming interface that enables device drivers to modify the music player's graphical user interface (see column 4: lines 58-62), but Katz fails to specifically disclose that the control objects are provided via the device driver interface or application programming interface. Hanson, though, discloses a dynamic device driver for a peripheral device that is capable of delivering control objects to an application. In column 2: lines 11-19, Hanson discloses a peripheral device that is connected to a host computer. In column 2: lines 40-44, Hanson explains that said peripheral device could be an audio component. In column 2: lines 45-50, Hanson further explains that the peripheral's device driver includes a graphical interface

for handling user-initiated controlling commands and for displaying the status of the peripheral device as well as a list of predefined user-selectable options related to the peripheral device. Hanson still further explains in column 5: lines 13-22 that the graphical interface objects provided by the peripheral device driver can be incorporated into the menus of the application software running on the host computer. In column 8: lines 12-27, Hanson discloses one example in which the graphical interface objects are loaded and displayed in response to a menu selection of the peripheral from within the application software. Based on these teachings, it should be clear that Hanson discloses a superior method of using peripheral device drivers to provide peripheral specific graphical control objects to corresponding applications. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hanson's teachings in combination with the music player disclosed by Katz. There are numerous types of music renderers that Katz's music player software may not have been designed to accommodate. Hanson's dynamic device driver advantageously provides the user a way to manipulate peripheral specific data objects as suggested in column 4: lines 55-57, and would thus allow Katz's music player to be compatible with an unlimited number of devices in the vast market of music renderers.

Referring to claims 3, 8, and 13, Hanson explains in column 2: lines 45-50 that the graphical interface provided by the peripheral device driver could include a list of user-selectable options.

Referring to claims 4, 9, and 14, Katz discloses in Figure 4A numerous controls for managing music items, and specifically discloses controls for playing the music items.

Referring to claims 16 and 17, as discussed above, Katz discloses a music player that displays a graphical interface comprising information about a plurality of music items, wherein the graphical interface comprises one or more control objects that are operative to be used by a user to control the operation of a music renderer that is configured to play the music items. Said control objects must initially be named by the music player. Katz, however, fails to disclose that the device driver for the music renderer can rename one or more of the control objects. Hanson, though, discloses in column 5: lines 14-17 that device drivers can incorporate GUI objects into the menus of certain application software. Since a menu is a type of control object, Hanson's invention effectively uses a device driver to rename control objects within an application. Doing so is beneficial because it incorporates important peripheral specific controls directly into the graphical user interface of the application software. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a device driver to rename a control object as taught by Hanson in combination with the music player of Katz. Again, there are numerous types of music renderers that Katz's music player software may not have been designed to accommodate. Hanson's device driver advantageously provides the user a way to manipulate peripheral specific control objects as suggested in column 4: lines 55-57, and would thus allow Katz's music player to be compatible with an unlimited number of devices in the vast market of music renderers.

Referring to claims 21, 24, 27, 30, and 37, Katz discloses in column 4: lines 42-54 that the music player executes on a computer.

Referring to claims 22, 23, 25, 26, 28, 29, 31, 32, 38, 47, and 48, Hanson discloses in column 2: lines 40-44, that the peripheral device controlled by the dynamic device driver could

component. Accordingly, Hanson's disclosure anticipates the use of portable MP3 players and optical disk burning devices, both of which are audio components.

Referring to claim 36, Hanson discloses in column 5: lines 13-43 that the graphical interface control objects could be buttons.

Claims 5, 10, 15, 39-42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,971 (Katz et al), U.S. Patent No. 6,148,346 (Hanson), and U.S. Patent No. 6,377,530 (Burrows).

Referring to claims 5, 10, and 15, Katz and Hanson fail to disclose that the event comprises a request to transfer a music item from the computer to a portable music player device. Burrows, though, teaches in column 4: line 35 through column 5: line 5 a portable music player device that is controllable by a computer interface. Specifically, Burrows explains in this section that the host computer can replace or update the table of contents, add music items, and delete music items. To perform any of these operations the host computer must inherently display some sort of graphical interface that allows the user to properly manage the music items. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a graphical interface in response to a request to transfer a music item from a computer to a portable music player device as suggested by Burrows in combination with the teachings of Katz and Hanson because portable music player users require a convenient and user-friendly mechanism for transferring music items.

Referring to claim 39, as discussed above, Katz and Hanson disclose executing a music player that displays a graphical interface comprising information about music items. Katz and

Hanson further suggest displaying a graphical interface for managing the content of a portable music player device in response to an event and assigning an object in the graphical interface with a device driver of the portable music player (see rejections above). Katz and Hanson fail to disclose, however, that the event is a request to transfer a music item from the computer to the portable music player device. Burrows, though, teaches in column 4: line 35 through column 5: line 5 a portable music player device that is controllable by a computer interface. Specifically, Burrows explains in this section that the host computer can replace or update the table of contents, add music items, and delete music items. To perform any of these operations the host computer must inherently display some sort of graphical interface that allows the user to properly manage the music items. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a graphical interface in response to a request to transfer a music item from a computer to a portable music player device as suggested by Burrows in combination with the teachings of Katz and Hanson because portable music player users require a convenient and user-friendly mechanism for transferring music items.

Referring to claim 40, the examiner submits that a graphical interface for use with Burrows' invention must include an import window so that the user can select which files are to be moved.

Referring to claim 41, the examiner submits that a graphical interface for use with Burrows' invention must further include a selector for initiating transfer of at least one music item to the portable music player device.

Referring to claim 42, as mentioned above, Burrows discloses transferring music files from a computer to a portable music player device in column 5: lines 1-5.

Referring to claim 45, Katz discloses in Figure 4A controls for initiating playback of music files from a connected CD playing device. Accordingly, these same controls could be used to initiate playback of music files on any connected audio device such as a portable music player device.

Response to Arguments

Applicant's arguments filed 3 May 2004 have been fully considered but they are not persuasive. Applicant first asserts that the proposed combination fails to disclose all of the claimed limitations. The examiner respectfully disagrees. As discussed above, Katz discloses a music player comprising a graphical user interface and a device driver interface. Katz's invention further comprises a plurality of control objects for managing music items and for controlling the various functions of the music playing software. Hanson then teaches providing control objects via a device driver interface to application software and displaying the control objects in response to an event occurring during the execution of the application software.

Applicant next asserts that there is insufficient motivation to combine the teachings of Katz and Hanson to support a prima facie showing of obviousness. The examiner respectfully disagrees. Hanson's teaching of providing peripheral specific graphical control objects is beneficial because it allows the user to access features and functionality of the peripherals that may not otherwise be supported by the software application. This is directly applicable to the teachings of Katz wherein a variety of music rendering devices may have numerous functions that are not supported by the music player software.

With regard to claims 16 and 17, Applicant asserts that Katz and Hanson fail to disclose renaming a control object as claimed. As discussed above, the control objects in Katz's music

player must initially be named by the software itself. Hanson then discloses means in which menus can be altered or renamed by device drivers. The combination of Katz and Hanson would thus result in using devices drivers to rename control objects within a music player.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173